

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

RUSSELL ADAMS,

Plaintiff,

V.

BRANDON E. NEWELL and
GEORGE O. RICHARD,

Defendants.

Case No. 6:19-cv-47-JDK-KNM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

This civil rights lawsuit was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition. Before the Court is Defendants Brandon Newell and George Richard's motion for summary judgment. Docket No. 71.

On January 6, 2022, Judge Mitchell issued a Report recommending that the Court deny Defendants' motion because genuine issues of material fact remained. Docket No. 85. The Report further recommended that Plaintiff Russell Adams's Eighth Amendment work-restrictions claims remain in the case and be set for trial at the Court's convenience. No party has objected.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.

Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 85) as the findings of this Court. It is therefore **ORDERED** that Defendants Newell and Richard's motion for summary judgment (Docket No. 71) is **DENIED**. This matter will be scheduled for trial as soon as the Court's docket permits.

So **ORDERED** and **SIGNED** this **26th** day of **January, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE